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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-847

13 **STACY ANN SCOGGINS**  
2118 Myrtle Beach Lane #1  
Danville, CA 94526  
14 **Registered Nurse License No. RN 426351**

**A C C U S A T I O N**

Respondent.

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16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about June 30, 1988, the Board of Registered Nursing issued Registered Nurse  
23 License Number RN 426351 to Stacy Ann Scoggins (Respondent). The Registered Nurse  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on September 30, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),  
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an  
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
5 Nursing Practice Act.

6 5. Section 2761 of the Code states:

7 "The board may take disciplinary action against a certified or licensed nurse or deny an  
8 application for a certificate or license for any of the following:

9 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

10 ...

11 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
12 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
13 conclusive evidence thereof."

14 6. Section 2762 of the Code states:

15 "In addition to other acts constituting unprofessional conduct within the meaning of this  
16 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
17 chapter to do any of the following:

18 "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
19 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
20 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
21 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
22 ability to conduct with safety to the public the practice authorized by his or her license.

23 "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
24 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
25 or the possession of, or falsification of a record pertaining to, the substances described in  
26 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
27 thereof.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 125.3 of the Code provides, in pertinent part, that the Board/Registrar/Director may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## FIRST CAUSE FOR DISCIPLINE

(Alcohol Related Conviction)

9. Respondent is subject to disciplinary action under section 2762(c) of the code in that Respondent was convicted of a crime involving alcohol. The circumstances are as follows:

10. On or about January 25, 2011, in Contra Costa Superior Court Case No. 01-150676-5 Respondent was convicted of Driving under the Influence of Alcohol or Drugs in violation of Vehicle Code section 23152(a). Respondent admitted an enhancement of driving a vehicle with a Blood Alcohol Content (BAC) of .20% or higher.

11. On or about May 20, 2010, Responded drove a vehicle under the influence of alcohol. Respondents BAC was .20% or higher. Respondent drove a vehicle into a parked car damaging two bicycles that were on a rack on the back of the parked car.

## SECOND CAUSE FOR DISCIPLINE

(Substantially Related Conviction)

12. Respondent is subject to disciplinary action under sections 490 and 2761(f) of the code in that Respondent was convicted of a crime that is substantially related to the duties, functions, or qualifications of a Registered Nurse. The circumstances are described in paragraphs 10 and 11 above.

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THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Dangerous Use of Alcohol)

13. Respondent is subject to disciplinary action under sections 2761(a) and 2762(b) of the code in that Respondent was involved in unprofessional conduct involving the dangerous use of alcohol. The circumstances are described in paragraphs 10 and 11 above.

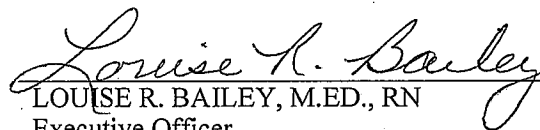
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number RN 426351, issued to Stacy Ann Scoggins
2. Ordering Stacy Ann Scoggins to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

4/13/11



LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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